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Chairman: Mr. ESCOVAR-SALOM (Venezuela)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 145: UNITED NATIONS DECADE OF INTERNATIONAL LAW (A/51/278 and Add.1; A/C.6/51/L.6)

1. Mr. HAYES (Ireland), speaking on behalf of the 15 States members of the European Union, of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Malta, Poland, Romania, Slovakia and Slovenia, and also of Norway, said that in declaring the United Nations Decade of International Law by resolution 44/23, the General Assembly had set itself, and especially the Sixth Committee, a considerable challenge, inasmuch as there was hardly an activity in international life that did not affect, or was not affected by, the workings of international law. Furthermore, in order to be meaningful, the work undertaken pursuant to that resolution had had also to reflect the principles at the heart of the United Nations, according due recognition to the world's principal legal systems, and also taking account of those regional and geographical factors which were central to the principle of universality. There had also been yet another important factor: if the Decade was to be a success, its impact had to be as widespread as possible, appealing not merely to persons who had made their mark in the professions, in diplomacy or in the academic world, but to all the peoples of the United Nations. In that respect, the Decade was already a success, as could be seen from the wide range of activities chronicled in the report of the Secretary-General (A/51/278 and Add.1).

2. Broad acceptance and implementation of a comprehensive convention in an important field of international law was clearly a development that facilitated acceptance of and respect for international law. The European Union therefore welcomed the ever-growing number of ratifications of and accessions to the 1982 United Nations Convention on the Law of the Sea and the steps taken during the past year with regard to the institutions for which it provided. The International Seabed Authority had taken up its functions; on 18 October 1996 the International Tribunal for the Law of the Sea had been inaugurated in Hamburg; and progress was being made towards establishment of the Commission on the Limits of the Continental Shelf. The European Union was also grateful to those organizations that had reported on initiatives with regard to promotion of the peaceful settlement of disputes, and, in particular, to the Permanent Court of Arbitration.

3. The European Union acknowledged the fundamental role of the International Law Commission in the progressive development of international law and its codification. As could be seen from the Secretary-General's report, several other bodies were also making valuable contributions to development and codification, including the Council of Europe's Committee of Legal Advisers on Public International Law and, in the field of international trade, the United Nations Commission on International Trade Law. The European Union also welcomed the work done in the Preparatory Committee on the Establishment of an International Criminal Court on the elaboration of a draft statute, and would continue to take an active part in that ongoing work.

4. The European Union had noted with special interest the activities undertaken by several international organizations and bodies to encourage the teaching, study, dissemination and wider appreciation of international law. Those activities included the circulation by the International Committee of the Red Cross of revised guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, as foreseen in resolution 49/50. The European Union recalled with pleasure the gathering in New York in March 1995 of some of the most distinguished jurists and practitioners from the world's different systems on the occasion of the United Nations Congress on Public International Law, as well as the colloquium held at the Peace Palace in The Hague in October 1996 to mark the fiftieth anniversary of the International Court of Justice. The Union looked forward to the publication of the proceedings of both those events, and commended the Selection Committee of the Hague Fellowship Programme, which had awarded some 18 fellowships in the period under consideration.

5. The Secretariat, and in particular the Treaty Section of the Office of Legal Affairs, were to be congratulated on their work in facilitating dissemination of treaty information, and for converting the compendium Multilateral Treaties Deposited with the Secretary-General and the United Nations Treaty Series to an electronic database. The availability of the compendium on the Internet was to be welcomed, as was the on-line availability of the Treaty Series, which was also due to become available on the Internet in the near future, thanks to an initiative by Australia.

6. The European Union had noted with interest the proposals put forward by the Netherlands and the Russian Federation in document A/C.6/51/L.6, concerning action to mark the 1999 centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law. It welcomed the suggestion that preliminary discussions should be held on substantive plans and arrangements, and that the cooperation of the International Court of Justice, the Permanent Court of Arbitration and relevant international organizations should be sought. As the Decade moved into its closing years, the European Union reaffirmed its wholehearted support for the Decade's objectives and activities and looked forward to its further achievements.

7. Mr. LAVOYER (Observer for the International Committee of the Red Cross (ICRC)) said that the main objectives of the United Nations Decade of International Law were closely associated with his organization's own efforts to promote, disseminate and bring about respect for international humanitarian law. Since its address to the Sixth Committee at the previous session, ICRC had continued its work to clarify the content of international humanitarian law and to ensure its continued adaptation to the conditions of modern warfare, with particular emphasis on its applicability to United Nations peacekeeping and enforcement operations, on rules applicable to war at sea, and on the prohibition of anti-personnel mines and blinding laser weapons. ICRC had also increased its endeavours and improved its methods for dissemination of and training in international humanitarian law, among other things, by opening a World Wide Web site on the Internet.

8. Efforts had been made to spread knowledge of the guidelines for military manuals and instructions on the protection of the environment in times of armed

conflict, concentrating in particular on helping States to promote broad circulation of their content and to consider the possibility of incorporating them in their respective military instruction manuals, as invited by General Assembly resolution 49/50. ICRC had also been developing a model manual for the armed forces on the law of armed conflicts, designed primarily for use by senior officers with tactical responsibilities, and intended as a reference tool for the military commander without legal background. Its use would facilitate the incorporation of humanitarian law norms, including environmental protection norms, in the operational decision-making process.

9. Recent debate about the unacceptable effects of anti-personnel mines had had little to say about their negative impact on the environment. Yet landmines were one of the most widespread, lethal and long-lasting forms of pollution the world had yet encountered, rendering large tracts of land unusable for decades after conflicts, and thus intensifying the use and environmental degradation of other available land. ICRC reaffirmed its support for a total ban on the production, stockpiling, transfer and use of anti-personnel landmines.

10. The major challenge facing international humanitarian law was implementation: there was a blatant contrast between the highly developed rules of humanitarian law, many of which were universally accepted, and the repeated violations of those rules in conflicts around the world. A first periodical meeting of States parties to the 1949 Geneva Conventions, to be convened by Switzerland, the depository of the Conventions, would consider some of the general problems regarding the application of international humanitarian law. ICRC was actively involved in recent developments regarding the repression of war crimes, and had welcomed the establishment of the two ad hoc tribunals for Rwanda and the former Yugoslavia. Nevertheless, it saw the establishment of those tribunals as only part of a broader process that should culminate in the establishment of an independent and impartial permanent international criminal court. In that context, ICRC reiterated its wish to see the adoption of a definition of war crimes that would include violations committed during non-international armed conflicts.

11. With a view to improving national implementation of international norms, ICRC had set up a new unit within its Legal Division, the Advisory Service on International Humanitarian Law, which had become operational in early 1996. The Service was decentralized in structure, and worked to raise Governments' awareness of the need for implementing measures, providing specialist advice and promoting an exchange of information and experience, with due regard to the specific requirements of States and their respective political and legal systems. In its first 10 months of activity, the Service had assisted the authorities of more than 10 countries in drafting laws for the repression of war crimes and the protection of the emblem of the red cross or red crescent. In addition, 14 national seminars on national implementation had been held worldwide in 1996, and in October 1996 a meeting on national commissions for the implementation of international humanitarian law had been held in Geneva.

12. ICRC had considered for some time that further clarification was needed of the rules applicable to situations insufficiently or not at all covered by treaty law. The twenty-sixth International Conference of the Red Cross and Red Crescent had entrusted it with the task of preparing, with the assistance of

experts representing various geographical regions and legal systems and in consultation with experts from Governments and international organizations, a report on customary rules of international humanitarian law applicable in international and non-international armed conflicts. A first meeting between ICRC and legal experts had taken place in June 1996, and a study was now in progress. ICRC hoped that Governments would lend their support to that demanding project, which fell squarely within the framework of the Decade.

The meeting rose at 3.45 p.m.